

**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

9/0

APPLICANT(S):

Albert K. Chin

**APPLICATION NO.:** 

10/087,089

FILING DATE:

February 27, 2002

RECEIVED

TITLE:

Temporary Arterial Shunt and Method

OCT 3 1 2002

**EXAMINER:** 

Unassigned

TECHNOLOGY CENTER R3700

GROUP ART UNIT:

3761

RECEIVED

ATTY. DKT. NO.:

80121-06652

FEB 0 7 2003

TECHNOLOGY CENTER R3700

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

Dated:

0/25/02

By:

Albert C. Smith, Reg. No.: 20,355

COMMISSIONER FOR PATENTS WASHINGTON, DC. 20231

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO-1449/PTO-8A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;

J			alling of a first official action after the filing of a request for
			amination (RCE) under 37 CFR § 1.114;
			onths of the filing date of this national application or the date
		•	e national stage in an international application, or after the
	mailin	ig date o	of the first official action on the merits, whichever event last
	occurr	ed, but	before the mailing date of the first to occur of either: (1) a
	final a	ction u	nder 37 CFR §1.113; or (2) an action that otherwise closes
	prosec	cution ir	n the application, and:
		attacl	hed hereto is the fee set forth under 37 CFR §1.17(p) for
		subm	sission of this Information Disclosure Statement under 37
		CFR.	§ 1.97(c); OR
		Appl	icant certifies pursuant to 37 CFR § 1.97(e) that:
			each item of information contained in this Information
			Disclosure Statement was first cited in a communication
			from a foreign patent office in a counterpart foreign
			application not more than three months prior to the filing of
			this Statement; OR
		П	no item of information contained in this Information
			Disclosure Statement was cited in a communication from a
			foreign patent office in a counterpart foreign application
			and, to the knowledge of the person signing this
			certification after making reasonable inquiry, no item of
			information contained in this Statement was known to any
			individual designated under 37 CFR § 1.56(c) more than
			three months prior to the filing of this Statement;
_	hefor	e the na	ayment of the issue fee but after the mailing date of the first to
		-	er: (1) a final action under 37 CFR § 1.113; or (2) an action
			se closes prosecution in the application, and:
			icant certifies pursuant to 37 CFR. § 1.97(e) that:
	Ц	Appi.	each item of information contained in this Information
		L_J	
			Disclosure Statement was cited in a communication from a
			foreign patent office in a counterpart foreign application not
			more than three months prior to the filing of this Statement;
		_	or
			no item of information contained in this Information
			Disclosure Statement was cited in a communication from a

					foreign	patent off	ice in a	a coun	terpar	t forei	gn app	olication	1
					and, to	- the knowl	edge o	f the p	erson	šignin	ng this		
					certifica	ation after	makin	ng reas	onable	inqui	iry, no	item of	f
				•	informa	tion conta	ained ii	n this S	Statem	ent w	as kno	wn to a	ıny
					individu	ual design	ated ur	nder 3'	7 CFR	§ 1.5	6(c) m	ore that	n
					three m	onths pric	r to th	e filing	g of th	is Stat	tement	; AND	
				attache	d hereto	is the fee	set for	rth und	der 37	CFR §	§1.17( <sub>!</sub>	p) for	
				submis	sion of t	his Inforn	nation	Disclo	sure S	Statem	ent un	der 37	
				CFR.§	1.97(c);	OR							
			after th	ne paymo	ent of th	e issue fe	e. App	olicant	reque	st that	the in	formati	on
			contair	ned in th	is Infon	mation Di	sclosui	re Stat	ement	be pla	aced in	the file	e
			accord	ing to 3'	7 CFR §	1.97(i), a	lthoug	h the i	inform	ation	may no	ot be	
				ered by									
		This a	pplication	on relies	, under i	35 U.S.C.	§ 120,	on the	e earli	er filir	ng date	of pric	r
		applica	ation No	o. [APPI	LICATIO	MUN NC	BER],	filed o	on [FII	LING	DATE	], and t	he
		referer	nces cite	d therei	n are he	reby refer	enced,	but ar	e not r	equire	ed to b	e provid	ded
		in this	references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).										
		Each item of information contained in this Information Disclosure Statement was											
		cited in	n a com	municat	ion fron	n a foreigr	n paten	t offic	e in a	counte	erpart a	applicat	tion,
		and the	e comm	unicatio	n was n	ot receive	d by ar	ny indi	ividual	desig	gnated	in 37 C	FR
		§ 1.56	(c) more	than th	irty day:	s prior to	the fili	ng of t	this Int	format	tion Di	isclosur	e
-		Statem	nent. 37	CFR §	1.704(d	).							
	$\boxtimes$	Applic	ant sub	mits tha	t no fee	is require	d for th	ne con	siderat	ion of	f this Ir	nformat	ion
		Disclo	sure Sta	itement.						٠			
	Consid	deration	of the l	isted ref	erences	and favor	able ac	ction a	re soli	cited.			
						Respectfu	ılly sub	mitte	d,				
						ALBERT	•						
												,	
Data J.			1751	02		D		QL		$\leq$	D40 0	of	
Dated:		10	-11		_	By: Albert C.		_=			7000	<u> </u>	
						Fenwick 6	& Wes	t LLP		, , , , , ,			
						Two Palo		•	:				
						Palo Alto Tel.: (650	-						
						Fax.: (650	•						
						` -	,						

PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

nder the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

	Substitute for fo	orm 1449/	VPTO	Complete if Known			
INEO		i Die	CLOSURE	Application No.	10/087,089		
			PPLICANT	Filing Date	February 27, 2002		
SIAI		1A 1C	PLICANI	First Named Inventor	Albert K. Chin		
•				Art Unit	3761		
				Examiner Name	Unassigned		
Sheet	1	of	1	Attorney Docket Number	80121-06652		

U.S. PATENT DOCUMENTS							
		Document No.					
Examiner Initials*	Cite No.1	Number – Kind Code <sup>2</sup> (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document			
•	Α	US-6,464,712	10-15-2002	Epstein et al.			
		US-					
		US-					
		US-		DECEIVED			
		US-		MEULIVE			
		US-		RECEIVED  OCT 3 1 2002			
		US-		· • • • • • • • • • • • • • • • • • • •			
		US-		TECHNOLOGY CENTER H3700			
		US-					
		US-					
		US-					
		US-					
		US-					

			FOREIGN PA	TENT DOCUMENTS	
		Foreign Patent Document			
Examiner Initials*	Cite No. <sup>1</sup>	Country Code <sup>3</sup> – Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>®</sup>
				RECEIVED	
				FFB 0 7 2003	
				TECHNOLOGY CENTER H3700	

	Examiner	Date	
ı	Signature	Considered	
ı			

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁴Applicant is to place a check mark here if English language Translation is attached.

+

Cont/PTO Rev. 10/95  U.S. Department of Patent and Trace  TRANSMITTAL FOR (to be used for all correspondence during filed application)	of Commerce emark Office	Approved for unit and Trademark Office: Left Application Number  Filing Date  First Named Inventor  Group Art Unit Number	PTO/SB/21 (modified) use through xx/xx/xx, OMB 0651-0031 J.S. DEPARTMENT OF COMMERCE  10/087,089 •  February 27, 2002  Albert K. Chin  3761				
mod applicationy		Examiner Name	Unassigned				
Total Number of Pages in This Submission	**5	Attorney Docket Number	80121-06652				
ENC  Fee Transmittal Form (in duplicate) Check Enclosed  Return Receipt Postcard Response to Notice to File Missing P. Assignment & Recordation Cover Sho Declaration Power of Attorney Application Data Sheet Supplemental Information Disclosure PTO-1449 Copies of IDS Cited Refere Request for Corrected Filing Receipt Request for Correction of Recorded A Amendment/Response: [ ] Page(s	Statement & nces	Appeal Commur Interferences Appeal Commur (Appeal Notice, Certified Copy of	mittal raftsperson				
REMARKS: ** "Total Number of Pages in	this Submissi	on" does not include cited re	ferences.				
SIGNATURE OF ATTORNEY OR AGENT  Signature:							
Attorney/Reg. No.: Albert C. Smith, Reg. No. 20,355		- Smith	Dated: 102502				
	CERTIFIC	ATE OF MAILING					
I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.							
Signature:		Quil. Som	th				
Typed or Printed Name: Albert C. Smi	th		Dated: 10 25 02				

RECEIVED

FEB 0 7 2003

TECHNOLOGY CENTER R3700

Express Mail Mailing Number (optional):